

DECISION MEMORANDUM

**TO: COMMISSIONER KJELLANDER
COMMISSIONER RAPER
COMMISSIONER ANDERSON
COMMISSION SECRETARY
COMMISSION STAFF
LEGAL**

**FROM: JOHN R. HAMMOND JR.
DEPUTY ATTORNEY GENERAL**

DATE: JANUARY 15, 2021

**SUBJECT: IDAHO POWER COMPANY'S APPLICATION FOR APPROVAL OR
REJECTION OF AN ENERGY SALES AGREEMENT WITH COLEMAN
HYDROELECTRIC LLC; CASE NO. IPC-E-20-27.**

On January 4, 2021, Coleman Hydroelectric, LLC, ("Coleman") filed a Petition to Intervene ("Petition"). No one has objected to Coleman's Petition to Intervene.

PETITION TO INTERVENE

This case involves an Energy Sales Agreement ("ESA") between Idaho Power Company ("Idaho Power") and Coleman. Idaho Power, alone, applied for the Commission to approve or reject the ESA. Coleman did not jointly file the Application with Idaho Power. Coleman nevertheless asks the Commission to deem it an original party to this proceeding, under Commission Rule Procedure 31, IDAPA 31.01.01.031, because: (1) Coleman is the counter party to Idaho Power in their ESA; (2) Coleman is a "petitioner" that has filed a Petition for Reconsideration of Order No. 34870, and Rule 31 defines "parties" to include "petitioners;" and (3) the Commission has treated Coleman as an original party through service of documents and filings on Coleman and its counsel. *Id.*

Alternatively, Coleman requests the Commission allow Coleman to intervene under Rule 71 because this proceeding will directly and substantially affect it. Further, unless it is recognized as a party, its right to fully participate in this proceeding, and any resulting appeal, may be materially compromised. *Id.* at 3. Coleman argues its intervention would not unduly broaden the issues or unduly prejudice any existing party. *Id.* Coleman asserts its Petition is timely under Rule 73 because the Commission has not set an intervention deadline or held a hearing or procedural

conference. *Id.* Last, Coleman asserts its intervention would not impact deadlines in the reconsideration process because no hearing has been scheduled. *Id.*

COMMISSION DECISION

Does the Commission wish to recognize Coleman as an original or intervening party in this matter?



John R. Hammond Jr.
Deputy Attorney General

I:\Legal\ELECTRIC\IPC-E-20-27\memos\IPCE2027_dec memo_Pet.Intervene_jh.docx